UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,215	01/16/2001	Thomas W. Krause		1823

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ART UNIT	PAPER NUMBER
2162	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/759,215	KRAUSE, THOMAS W.
	Examiner	**Art Unit**	
	Fred I. Ehichioya	2162	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 July 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) *1 - 6, and 8 - 22* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 6, and 8 - 22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
  Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications filed July 12, 2005.

2.   Claims 1 – 6, and 8 - 22 are pending in this Office Action.

3.   Claim 7 is canceled.

Response to Arguments

4.   Applicant argues:

(a) "Claims 2, 15, and 22 are inappropriately rejected based on an example that does not conform to definition of "celebrity ageliner" in the claims" (page 8, paragraph 1).

(b) "Claims 6 and 7 are rejected (without clear citation of statutory authority) based on MacDonald, without laying foundation for rejection under MacDonald or providing motivation for combination of McDonald with any other reference to arrive at these claims" (page 8, paragraph 2).

(c) "output of McDonald does not comprise age-event information" (page 9, paragraph 1).

(d) "Happy Anniversary." However, this greeting does not comprise age-event information, which according to the claims must comprise "information regarding an event that occurred in the life of a second individual when said second individual was at an age equal to the age of said first individual on said specific data" (page 9, paragraph 2).

(e) Kendrick does not teach the provision of age-event information (page 10, paragraph 12).

(f) "The applicant again respectfully requests that, if the application is to be rejected on a combination of references, the Examiner specify where in one of the references, or in the knowledge generally available to one of ordinary skill in the art, such motivation is disclosed." (page 11, paragraph 2).

(g) "However, NETG does not teach a customized greeting, thus there is no motivation for combining NETG with Slotznick to provide the output of NETG in electronic greeting card format." (page 11, paragraph 3).

Examiner respectfully disagrees with all allegations as argued by the applicant.

Regarding argument (a): The celebrity ageliner of Ruane names a celebrity (Jack Kerouac) that first published "the day on the Road".

Regarding argument (b): The rejection of claims 6 and 7 based on MacDonald is a typographical error. This rejection is based on NETG teaching on which the page is rightly cited on the Office Action. Regarding claim 6, NETG teaches said input signal represent an age (see page 10).

Regarding argument (c) and (d): McDonald discloses a "Happy Anniversary" message. This an age-event message to the anniversary of Jack Kerouac who published "the day of the road" when he was at the age of the first individual.

Regarding argument (e): Kendrick discloses in column 1, line 60 – column 2, line 4, approximate time remaining in a user's life. He also discloses storing years, days, hours, minutes and seconds of the users and these are related to age-event information.

Regarding argument (f): In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Kendrick teaching of "displaying the approximate time remaining in a user's life" can be interpreted as the applicant's invention as claimed in claim 13.

However, it would have obvious to one of ordinary skill at the time of the present to combine the teaching of Boggs with Kendrick's teaching because NETG's system will be improved by providing a timepiece for monitory and displaying the approximate time

remaining in a user's life as suggested by Kendrick (see Abstract). The motivation is

that this timepiece will alert people when a person is dying.

Regarding argument (g): The combination of NETG and Slotznick teach a

customized greeting that is electronic greeting card (see column 1, lines 38 – 50).

Again, the examiner recognizes that obviousness can only be established by combining

or modifying the teachings of the prior art to produce the claimed invention where there

is some teaching, suggestion, or motivation to do so found either in the references

themselves or in the knowledge generally available to one of ordinary skill in the art.

See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958

F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Slotznick's teaching of

"method for electronically dispensing personalized greeting cards" can be interpreted as

the applicant's claimed invention.

However, it would have been obvious to one of ordinary skill in the data processing

art at the time of the present invention to combine teaching of the cited references

because Slotznick's teaching of "customized greeting is an electronic greeting card"

would have allowed NETG's system to reproduce information itself or in material

objects, here and now, or in the future, at a point of sale, or when the information

originates either at the point of sale, or at a different place or at a different time or times

as suggested by Slotznick at column 3, lines 7 -11.

5.   Applicant's arguments with respect to claims 1 - 22 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1 – 6, 14, 15, 18, 21 and 22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Non Patent Literature "Since you were born", published by Saint

Louis Zoological park on April 13, 1988, displayed at

http://www.whealth.org/exhibit/control/sinceborn/sinceborn.cgi and created by NETG

(hereinafter "NETG") in view of Non Patent Literature "Half-life", published by Tom

Ruane (hereinafter "Ruane").

        Regarding claim 1, NETG teaches a computer-implemented method for providing

a user with age-event information comprising:

        a) receiving an input signal (see page 9: the input signal is the birthdate entered.

In this case the birthdate entered is "August 30, 1955");

        b) determining age information from said input signal (see page 10: the age

information determined is "Your birthdate is Tue 30-Aug-1955");

c) using said age information to search a database for age-event information corresponding to said age information (see page 10: the age information entered is "August 30, 1955", and as shown on page 10, paragraph 3, this age information "1955" was used to searched the database in other to determine that "Average life expectancy at birth has increased for females. In 1955, it was 72.8 years. In 1955, it had increased to . . . . . In 1955, it had increased to 72.8 years"); and

d) providing an output signal comprising age-event information corresponding to said age information (see page 10: output signal comprising age-event information corresponding to said age information is the age calculated in days from the birth-date entered "You have be alive for 18117 days").

wherein said age information comprises the age of a first individual on a specific date (see page 10, paragraphs 1and 2: "Your birthday is Tue 30-Aug-1955"; "You have be alive for 18117 days").

NETG does not explicitly teach said age-event information comprises information regarding an event that occurred in the life of a second individual when said second individual was at an age equal to the age of said first individual on said specific data as claimed.

However, Ruane teaches said age-event information comprises information regarding an event that occurred in the life of a second individual when said second individual was at an age equal to the age of said first individual on said specific data (see page 5, paragraph 6: "I send you your own calendar. On each day there's some notable achievement done by a person who was exactly as old as you are on that day.

For example tomorrow I'll be the same age Jack Kerouac was the day on the Road was first published").

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine teaching of the cited references because Ruane's teaching of "an event that occurred in the life of a second individual when said second individual was at an age equal to the age of said first individual on said specific date" would have allowed NETG's system to provide a personalized calendar showing notable achievement done by a person at your age on specific period. The motivation is that the calendars produced with the right equipment and business strategy could make a future as suggested by Ruane at page 5, paragraph 7.

Regarding claims 2, 15 and 22, NETG teaches wherein the input signal comprises a date (see page 9: the date of the input signal "August 30, 1955"), and

Ruane teaches the output signal comprises a celebrity ageliner, wherein said celebrity ageliner names a celebrity and describes a historical event in the life of an individual that occurred when said individual was the age of said celebrity on said date (see page 5, paragraph 6: "I send you your own calendar. On each day there's some notable achievement done by a person who was exactly as old as you are on that day. For example tomorrow I'll be the same age Jack Kerouac was the day on the Road was first published").

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine teaching of the cited references because

Ruane's teaching of "an event that occurred in the life of a second individual when said second individual was at an age equal to the age of said first individual on said specific date" would have allowed NETG's system to provide a personalized calendar showing notable achievement done by a person at your age on specific period. The motivation is that the calendars produced with the right equipment and business strategy could make a future as suggested by Ruane at page 5, paragraph 7.

Regarding claim 3, NETG teaches the input signal comprises age information relating to a target individual, and the output signal comprises age-event information customized for said first individual, and the output signal includes a reference to said first individual (see Pages 9 and 10).

Regarding claim 4, NETG teaches wherein the output signal further comprises a date (see page 10).

Regarding claim 5, NETG teaches the input signal comprises a birthdate (see page 9).

Regarding claim 6, NETG teaches said input signal represent an age (see page 10).

Regarding claims 14 and 18, NETG teaches a computer system for providing

age-event information, comprising:

computer processor means for processing data (see page 2, section 1, A, 9);

storage means for storing data on a storage medium (see page 2, section 1, A,

9)

means for receiving input (see page 9);

means for determining age information from said input (see page 2, section 1, A,

9 and page 10); and

means, responsive to said age-determining means, for outputting age-event

information to a user (see page 2, section 1, A, 9 and page 10);

wherein said age information comprises the age of a first individual on a specific date

(see page 10, paragraphs 1 and 2: "Your birthday is Tue 30-Aug-1955"; "You have be

alive for 18117 days").

NETG does not explicitly teach said age-event information comprises information

regarding an event that occurred in the life of a second individual when said second

individual was at an age equal to the age of said first individual on said specific data as

claimed.

However, Ruane teaches said age-event information comprises information

regarding an event that occurred in the life of a second individual when said second

individual was at an age equal to the age of said first individual on said specific data

(see page 5, paragraph 6: "I send you your own calendar. On each day there's some

notable achievement done by a person who was exactly as old as you are on that day.

For example tomorrow I'll be the same age Jack Kerouac was the day on the Road was first published").

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine teaching of the cited references because Ruane's teaching of "an event that occurred in the life of a second individual when said second individual was at an age equal to the age of said first individual on said specific date" would have allowed NETG's system to provide a personalized calendar showing notable achievement done by a person at your age on specific period. The motivation is that the calendars produced with the right equipment and business strategy could make a future as suggested by Ruane at page 5, paragraph 7.

Regarding claim 21, Ruane teaches the computer-implemented method (see page 5, paragraph 9) for providing a user with age-event information of claim 1, wherein the age information received in step a) is related to the age of a first individual (see page 5, paragraph 6: "I send you your own calendar. On each day there's some notable achievement done by a person who was exactly as old as you are on that day. For example tomorrow I'll be the same age Jack Kerouac was the day on the Road was first published") and said method further comprises:

input signal comprising the name of second individual (see page 5: Jack Kerouac Park is the name of second individual that can be linked to a first individual).

8.   Claims 8, 12, 16 and 19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over NETG in view Ruane and further in view of USPN 6,069,848 issued

to Thomas B. McDonald et al (hereinafter "McDonald").

        Regarding claims 8, 16 and 19, NETG or Ruane do not explicitly teach

generating a customized greeting for said first individual.

        However, McDonald teaches the step of generating a customized greeting for

said first individual, said greeting comprising age-event information (see column 8, lines

46 – 54).

        It would have been obvious to one of ordinary skill in the data processing art at

the time of the present invention to combine teaching of the cited references because

McDonald's teaching of "generating a customized greeting for said first individual, said

greeting comprising age-event information" would have allowed NETG and Ruane's

system to provide a timepiece for measuring the elapsed time from a personal life time

event, wherein the timepiece can be implemented in a wide variety of embodiments

including a watch, clock, personal organizer, computer screen saver and family tree as

suggested by McDonald at column 2, lines 20 - 26.

        Regarding claim 12, McDonald teaches the step of generating a life-chart for said

first individual, wherein said life-chart comprises age-event information for at least two

dates in the life of said first individual (see Fig.11 and column 9, lines 3 – 5).

9.   Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over NETG in

view of Ruane and further in view of USPN 5,031,161 issued to David Kendrick

(hereinafter "Kendrick").

        Regarding claim 13, NETG or Ruane do not explicitly teach the steps of

generating a life-clock display for said first individual, wherein said life-clock display

comprises a symbolic representation of the amount of life an individual has lived and the

amount of life said first individual is expected to live before dying; and providing

age-event information on said life-clock.

        Kendrick teaches the steps of generating a life-clock display for said first

individual, wherein said life-clock display comprises a symbolic representation of the

amount of life an individual has lived and the amount of life said first individual is

expected to live before dying (see Figs. 1 and 2; column 1, line 60 – column 2, line 4

and columns 4 – 6); and

        providing age-event information on said life-clock (see fig.2).

        It would have been obvious to one of ordinary skill in the data processing art at the

time of the present invention to combine teaching of the cited references because

Kendrick's teaching of "providing age-event information on said life-clock" would have

allowed NETG and Ruane's system to provide timepieces such as wrist watches and

clocks and, more particularly, to a timepiece that displays the number of minutes, days

and years remaining in a person's life based on actuarial data as suggested by Kendrick

at column 1, lines 5 - 10.

10.   Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

NETG in view of Ruane, McDonald and further in view of USPN 5,983,200 issued to

Benjamin Slotznick (hereinafter "Slotznick").

        Regarding claim 9, NETG, Ruane or McDonald do not explicitly teach the

customized greeting is an electronic greeting card.

        Slotznick teaches the customized greeting is an electronic greeting card (see

column 1, lines 38 - 42).

        It would have been obvious to one of ordinary skill in the data processing art at the

time of the present invention to combine teaching of the cited references because

Slotznick's teaching of "customized greeting is an electronic greeting card" would have

allowed NETG, Ruane and McDonald's system to reproduce information itself or in

material objects, here and now, or in the future, at a point of sale, or when the

information originates either at the point of sale, or at a different place or at a different

time or times as suggested by Slotznick at column 3, lines 7 -11.

        Regarding claim 10, Slotznick teaches the customized greeting is a greeting card

produced at an automated greeting card kiosk (see column 1, lines 39 – 45).

11.   Claims 11, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable

over NETG in view of Ruane, McDonald and further in view of USPN 5,983,200 issued

to Benjamin Slotznick (hereinafter "Slotznick").

    Regarding claims 11, 17 and 20, NETG or Ruane do not explicitly teach the step of

generating a customized calendar for the target individual.

    Slotznick teaches the step of generating a customized calendar for the target

individual (see Fig.5 step 95 and column 22, lines 23 – 28).

    It would have been obvious to one of ordinary skill in the data processing art at the

time of the present invention to combine teaching of the cited references because

Slotznick's teaching of "the step of generating a customized calendar for the target

individual" would have allowed NETG and Ruane's system to reproduce information

itself or in material objects, here and now, or in the future, at a point of sale, or when the

information originates either at the point of sale, or at a different place or at a different

time or times as suggested by Slotznick at column 3, lines 7 -11.

Conclusion

12.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Fred I. Ehichioya whose telephone number is 571-272-

4034. The examiner can normally be reached on M - F 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John E. Breene can be reached on 571-272-4107. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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Business Center (EBC) at 866-217-9197 (toll-free).

Fred I. Ehichioya
Patent Examiner
Art Unit 2162

September 25, 2005

SHAHID ALAM
PRIMARY EXAMINER